

STATEMENT OF OBJECTION

IN CLASS ACTION SUIT

“SHANNAN WHEELER , et al. v. ARKEMA, INC.”

CASE NO. 4:17-2960-KPE (S.D. Tex)

HONORABLE KEITH P. ELLISON

OBJECTING: Shannan Dee Wheeler

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United States Courts
Southern District of Texas
FILED

APR 19 2024

Nathan Ochsner, Clerk of Court

I, Shannan Dee Wheeler, am filing these objections on grounds of legal misrepresentation, failure of counsel to reach terms agreeable to all affected members of the class, failure of counsel to force Arkema to change and publish updated safety and emergency procedures for future catastrophic events/upgrade and improve facility equipment locations to ensure this type of event will not happen again, removal of class representatives without notification, lying to class representatives removed without notification, agreeing to an incentive award far too low to adequately compensate class representatives, insufficient penalties set forth against Arkema, Inc.

Objection 1: Misrepresentation – Counsel came to affected members of the Crosby/Barrett Station/Baytown areas promising to hold Arkema accountable for the disaster caused by their mismanagement of emergency procedures and subsequent withholding of information by Arkema plant management and upper management. Arkema, Inc deliberately and willfully withheld safety and health information from not only local residents but also the Harris County Sheriff's Department along with Harris County Emergency Management. Residents were promised to hold these individuals accountable for their actions. To date, not a single member of Arkema plant management nor upper management of Arkema, Inc have been reprimanded by the company. The quote, “We’re going to get them shut down and moved out of Crosby” was repeated many times by counsel in the many public meetings yet Arkema remains. Citizens view this as just another lie from lawyers in order to gain their signatures.

Objection 2: Failure of counsel to reach terms agreeable to all affected members of the class – the agreed upon terms may have been signed off on by the remaining class representatives but these are hardly agreeable to the members of this class action suit. Citizens want Arkema either shut down or forced to make changes to their operations to ensure this type of disaster will not happen again and to be more forthcoming with information to the public. Being a good neighbor is standard operating procedure for most facilities in this area yet Arkema doesn't seem to care and their actions during this event show how little they care about the surrounding communities. Counsel came in with plenty of promises yet settled out with a wimper and no community meetings to advise citizens of how the suit was progressing. Access to information on this suit was not easily accessible to citizens of the area.

Objection 3: Each citizen of the area told counsel we would settle for no less than proven changes in Arkema's safety procedures/emergency plan of action/plant equipment changes to ensure this type of event would not happen again. To date, we have seen NO changes in these areas and nothing has been published to show citizens any changes whatsoever. This was one of the main areas of concern for local citizens. Either shut the plant down completely or force them to make adequate changes in their operating/emergency procedures. Counsel has failed to notify class members of any such changes so we are left to presume none have been made and Arkema will continue to operate in an unsafe manner. Other facilities in the area of Harvey flooding that produce the exact same products as Arkema were able to relocate every bit of the affected components to safer areas before the storm impacted their operations. Several moved three to four times the amount Arkema had in this facility safely out of the area. We asked that Arkema fix the problem. Counsel failed to make this happen. My profession is in plant design. Counsel knew this from the beginning. I agreed to review Arkema's procedures and layouts in order to suggest adequate changes in hopes of preventing another episode from happening. Counsel initially agreed this was a good idea given my professional background. This never happened.

Objection 4: Counsel felt it necessary to remove certain class representatives without notification. This includes myself. I am the lead plaintiff in this suit and I was removed as a class representative on November 13, 2018 along with three other representatives "thereby dropping them as named plaintiffs and proposed class representatives." However, MY NAME remains on this class action suit as the lead plaintiff. This exposed me as the main opponent against Arkema, Inc. To say this had a profound effect on my daily life is an understatement of the highest order. Not only was I subjected to a four hour long deposition as others were I was also followed by individuals I could only presume to be private investigators working for Arkema's legal team, similar individuals driving by my home taking photographs, having both of my ex-wives interviewed in an attempt to find some sort of dirt on me, my son was also followed and photographed. I was physically assaulted by individuals who claimed to be Arkema employees and family members of Arkema employees on three occasions from 2018 through 2020. I was verbally assaulted by these same individuals eight different times during the same time period. Due to this harassment I was forced to leave one gym where I was being harassed and join a different location. Once it was discovered where I was these individuals followed me to that location and harassed me verbally and threatened me with physical violence yet again. I ended up cancelling the membership. The safety of other gym members was more important. I was even questioned about this class action suit while employed at TC Energy. I never told any co-workers, my manager, or human resources about the suit yet they knew about it somehow and questioned me about it. I can only presume they were notified by Arkema's legal team. I was "the face" of this class action suit and subsequently suffered verbal harassment and physical violence at the hands of Arkema employees and their family members yet I was removed as a class plaintiff and representative by counsel and NEVER NOTIFIED. Not one single member of counsel from any of the three firms notified me of this action. All the while my name remained on the suit and in the public eye. This is simply not acceptable.

Objection 5: Lying to removed class representative – Following the release of signed documents showing class representatives signatures I questioned Mark Underwood via Facebook Messenger about the signatures and why I wasn't asked to sign the agreement. He stated, "It is simply procedural. Nothing for you to worry about." I then asked, "I am a class representative though." Again he stated, "Just procedural." Clearly, this was a lie. I was removed as class representative and a class plaintiff without being notified prior to this discussion yet my name was still on this suit.

Objection 6: Agreeing to an incentive award far too low to adequately compensate class representatives – In light of the compensation paid to the legal counsel of this suit the Incentive Award is laughably low for each member. If any of these representatives suffered anything near what I have been through since the onset of this suit they should be insulted by this dollar amount. Several have lost over four times the settlement amount in personal property and medical costs. I know of one individual who has lost a spouse due to this event and yet she is listed on here alone for a share of \$200,000. Counsel is receiving \$8,500,000 in awards plus an additional \$2,000,000 in fees from this settlement yet class representatives who have suffered from Arkema's negligence and incompetence are handed a paltry \$25,000. Each of these representatives should be insulted by this settlement. Those who were removed without notification should also be insulted and angered. From the outside looking in this simply furthers the public's belief that lawyers are predators looking for their next victims.

Objection 7: Insufficient penalties set forth against Arkema, Inc. – Counsel should be ashamed of themselves for this settlement. Arkema, SA is currently worth over \$7.9 billion dollars as of April 1, 2024. This \$20,000,000 settlement for soil remediation and health monitoring represents .3% of the company's net worth. This amount is preposterous. Add to that fact there seems to be little to no change in the company's operating parameters concerning safety or emergency management and we have nothing more than a spit in the faces of local residents. Also knowing the testing for soil remediation and health monitoring is looking for one single source of contamination, Dioxin, when the facility had much more volatile chemicals on site shows a remarkable failure on class counsel to reach an adequate settlement for the citizens of the area. We may never know what else was consumed by the fires following the Harvey flooding at the Arkema facility. Even the Houston Chronicle noted other chemicals on site were Isobutylene and Sulfur Dioxide. The same article stated internal Arkema documents had one single paragraph for dealing with flooding and not one plan for flooding over three feet. Given that Arkema nor class counsel has presented updated documents from Arkema for dealing with this type of flooding shows either there has been no change or the necessary changes won't be shown to the public. This is gross negligence by class counsel. Public perception of this settlement has been stated by many citizens as a tremendous failure. It appears the class counsel used the citizens of this area to enrich themselves while tossing crumbs to the area residents and letting Arkema "off the hook" for their mistakes. We have seen zero evidence that Arkema plans to change their procedures nor do they seem to care the slightest bit about the residents around this facility. These penalties are tantamount to the much vaunted "chemical dumping" penalties which came to light during the late 1980's/early 1990's where companies were dumping toxic chemicals into the open oceans and only being penalized \$25,000 per day while earning millions of dollars per day. If a rabid dog attacks and kills a child or an adult we don't spank its paw and issue the owner a \$50 fine. The settlement reached in this class action suit only emboldens Arkema, Inc to continue operating in whatever fashion they see fit regardless of the outcomes or the general well being of the surrounding citizens.

I do plan to address the court on these objections on June 6, 2024. I feel my voice should be heard in light of my name being attached to this class action suit and the experiences I have endured as a result. I also feel the views of citizens of the affected area who were not adequately represented by the remaining class representatives and class counsel as they have been expressed to me should also be heard.

Thank you,

Shannan Dee Wheeler